HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 14 of 2001

Shakur S/o Miru Kasai
R/o Latherdeva Sekh
P.S. Jhabreda Tehsil
Roorkee, District Haridwar …….. Revisionist

Vs.

State of Uttaranchal …….Respondent

Sri Vinod Sharma learned counsel for the revisionist.
Sri Lalit Verma learned A.G.A. for the State.

Hon'ble Irshad Hussain, J.

This is a criminal revision under Section 397 of the Code of Criminal Procedure (for short 'Code') against the judgment and order dated 2.2.2000 passed by the then Addl. Chief Judicial Magistrate, Roorkee, District Haridwar in case no. 208/200, whereby the revisionist was convicted and sentenced to undergo RI for a period of six months under section 5/8 Cow Slaughter Act. On appeal being preferred the conviction and sentence awarded were affirmed by the IIIrd Addl. Sessions Judge, Haridwar by judgment and order dated 3.2.2001 in criminal appeal no. 15/2000.

The learned counsel for the revisionist did not dispute the propriety of the judgments regarding conviction. Learned counsel for the revisionist submitted that in the face of the facts of the case, particularly, old age of the revisionist, he should have been extended benefit of provision under section 360 of the Code. It need to be mentioned that when the trial was held the revisionist was aged about 70 years old and not he is in his later seventies. Considering the old age and antecedents of the revisionist, the submission of the learned counsel cannot be said to be without substance. Therefore, the revisionist can be released on probation of good conduct.

For the reasons aforesaid, the revision is partly allowed. The conviction of the revisionist under section 5/8 Cow Slaughter Act is

affirmed. The sentence awarded is, however, set-aside and he is released on probation of good conduct for a period of one year from the date of his executing personal bond of Rs. 20,000/- (Rupees twenty thousand only). The personal bond shall be executed before the Addl. CJM, Roorkee within a period of fifteen days. The revisionist may be called upon to suffer sentence of imprisonment. He shall keep peace during the said period of probation.

Let the record be sent back to the Addl. C.J.M., Roorkee District Haridwar.

(Irshad Hussain, J.)

Dated 31.5.2004

Rawat